

STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING
COMMISSION OF THE
NORTH CAROLINA STATE BAR
14 DHC 23

THE NORTH CAROLINA STATE BAR,

Plaintiff,

vs.

CHARLES M. FEAGAN, Attorney,

Defendant.

ANSWER

Defendant answering the complaint of the plaintiff alleges and says:

1. The allegations contained in paragraph 1 of plaintiff's Complaint are admitted.
2. The allegations contained in paragraph 2 of plaintiff's Complaint are admitted.
3. The allegations contained in paragraph 3 of plaintiff's Complaint are admitted.

FIRST CLAIM FOR RELIEF

4. The allegations contained in paragraph 4 of plaintiff's Complaint are admitted, however, the Defendant did not know as of that date that the check had been stolen.
5. It is admitted that Defendant endorsed and uttered the check outlined in paragraph 5 and that a jury determined that he acted in concert with another individual who had forged the check outlined in paragraph 5.
6. The allegations contained in paragraph 6 of plaintiff's Complaint are admitted.
7. The allegations contained in paragraph 7 of plaintiff's Complaint are admitted.

9. The allegations contained in paragraph 9 of plaintiff's Complaint are admitted.
10. The allegations contained in paragraph 10 of plaintiff's Complaint are admitted.

THEREFORE, the Defendant respectfully requests that an appropriate Order of Discipline be entered for the Defendant's conduct as outlined in the First Claim for Relief after a full hearing which takes into consideration: the effect of the Defendant's personal and emotional problems existing at the time of the conduct in question, the effect of the physical and mental disability and impairment of the Defendant at the time of the conduct in question, interim rehabilitation, full and free disclosure to the hearing panel and his cooperative attitude toward the proceedings, his remorse, his character and reputation, imposition of other penalties or sanctions and other factors found to be pertinent to the consideration of the discipline to be imposed.

SECOND CLAIM FOR RELIEF

11. The allegations contained in paragraph 11 of plaintiff's Complaint are admitted.
12. The allegations contained in paragraph 12 of plaintiff's Complaint are admitted.
13. The allegations contained in paragraph 13 of plaintiff's Complaint are admitted.
14. The allegations contained in paragraph 14 of plaintiff's Complaint are admitted.
15. The allegations contained in paragraph 15 of plaintiff's Complaint are admitted.
16. The allegations contained in paragraph 16 of plaintiff's Complaint are admitted.
17. The allegations contained in paragraph 17 of plaintiff's Complaint are admitted.
18. The allegations contained in paragraph 18 of plaintiff's Complaint are admitted.
19. The allegations contained in paragraph 19 of plaintiff's Complaint are admitted.

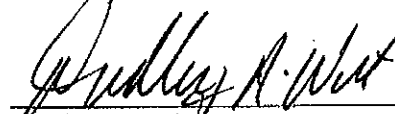
20. The allegations contained in paragraph 20 of plaintiff's Complaint are admitted.
21. It is admitted that due to the Defendant's physical and mental disability and impairment and his personal and emotional problems, he did not identify, hold and maintain Dr. Britt's \$171.00 separate from his own funds.
22. It is admitted that due to the Defendant's physical and mental disability and impairment and his personal and emotional problems, that he failed to timely disburse to the court Dr. Britt's court costs and fines as referenced in paragraph 22 of plaintiff's Complaint.
23. It is admitted that due to the Defendant's physical and mental disability and impairment and his personal and emotional problems, that he converted the \$171.00 that Dr. Britt had paid for court costs.
24. The allegations contained in paragraph 24 of plaintiff's Complaint are admitted.
25. It is admitted that Defendant failed to respond to the Fee Dispute Petition due to his physical and mental disability and impairment and his personal and emotional problems, as he entered the Pavilion Rehabilitation Facility on June 24, 2011.
26. The allegations contained in paragraph 26 of plaintiff's Complaint are admitted.
27. It is admitted that the Defendant filed a response to the Letter of Notice referenced in paragraph 26, the terms of which speak for itself. However, due to his physical and mental disability and impairment and his personal and emotional problems he was experiencing at that time, Defendant is without sufficient information with which to form a belief as to the truth of the allegations contained in paragraph 27 and said allegations are therefore denied to the extent the allegations of paragraph 27 vary from the terms of his response to the Letter of Notice.
28. It is admitted that the Defendant filed a response to the Letter of Notice referenced in paragraph 26, the terms of which speak for itself. Defendant further admits that as of April, 2011, he had not issued a refund and a letter of apology to Dr. Britt. However, due to his physical and mental disability and impairment and his personal and emotional problems he was experiencing at that time, Defendant is without sufficient information with which to form a belief as to the truth of the remaining allegations contained in paragraph 28 and said allegations are therefore denied.

THEREFORE, the Defendant respectfully requests that an appropriate Order of Discipline be entered for the Defendant's conduct as outlined in the Second Claim for Relief after a full hearing which takes into consideration: the effect of the Defendant's personal and emotional problems existing at the time of the conduct in question, the effect of the physical and mental disability or impairment of the Defendant at the time that the conduct in question, interim rehabilitation, full and free disclosure to the hearing panel and his cooperative attitude toward the proceedings, his remorse, his character and reputation, imposition of other penalties or sanctions and other factors found to be pertinent to the consideration of the discipline to be imposed.

WHEREFORE, the Defendant respectfully requests that the Disciplinary Hearing Commission enter an appropriate Order of Discipline, after hearing all the evidence and taking into consideration the effect of the Defendant's personal and emotional problems existing at the time of the conduct in question, the effect of the physical and mental disability or impairment of the Defendant at the time that the conduct in question, interim rehabilitation, full and free disclosure to the hearing panel and his cooperative attitude toward the proceedings, his remorse, his character and reputation, imposition of other penalties or sanctions and other factors found to be pertinent to the consideration of the discipline to be imposed.

This the 29th day of August, 2014.

CRUMPLER FREEDMAN PARKER & WITT
Attorneys for the Defendant



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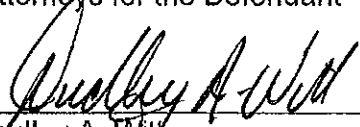
CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is an attorney at law licensed to practice in the State of North Carolina, is attorney for the defendant and is a person of such age and discretion as to be competent to serve process.

That on the 29th day of August, 2014, he served a copy of the attached **ANSWER** by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and its contents in the United States Mail at Winston-Salem, North Carolina.

ADDRESSEE: Mr. Barry S. McNeill
The North Carolina State Bar
PO Box 25908
Raleigh, NC 27611

CRUMPLER FREEDMAN PARKER & WITT
Attorneys for the Defendant



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